

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

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KENNETH J. ADAMS,

Plaintiff,

- against-

ROEHL TRANSPORT, INC., et al.,

Defendants.

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**REPORT AND
RECOMMENDATION
CV-09-5637 (SJ)**

GOLD, Magistrate Judge:

By letter to the Court dated March 1, 2010, defendants' counsel reported that the parties had reached a settlement. They have failed to file a stipulation of discontinuance within the time scheduled by the Court. Accordingly, I respectfully recommend that all claims in this action be dismissed with prejudice unless a motion to re-open is filed within 30 days of any Order adopting this Report and Recommendation.

Any objections to this Report and Recommendation must be filed within fourteen days and in any event no later than June 7, 2010. Failure to file objections within the specified time waives the right to appeal the District Court's Order. *See* 28 U.S.C. § 636(b)(1); FED. R. CIV. P. 6(a), 6(e), 72; *Small v. Sec'y of Health & Human Servs.*, 892 F.2d 15, 16 (2d Cir. 1989).

s/

**STEVEN M. GOLD
UNITED STATES MAGISTRATE JUDGE**

**May 24, 2010
Brooklyn, New York**